

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

THEODORE R. LAZIER,

Plaintiff,

v.

COALINGA STATE HOSPITAL, et al.,

Defendants.

CASE NO. 1:21-cv-01362-AWI-BAM (PC)

**ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS REGARDING
DISMISSAL OF ACTION FOR
FAILURE TO STATE A CLAIM**

(Doc. No. 16)

Plaintiff Theodore R. Lazier is a former civil detainee and current Florida state prisoner proceeding pro se and in forma pauperis in this civil rights action under 42 U.S.C. § 1983. This matter was referred to a United States magistrate judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Eastern District of California Local Rule 302.

On November 15, 2021, the assigned magistrate judge screened the first-amended complaint and issued findings and recommendations recommending that this action be dismissed based on Plaintiff's failure to state a cognizable claim upon which relief may be granted. Doc. No. 16. Plaintiff was directed to file objections within fourteen days. *Id.* at 1, 7. On November 22, 2021, in lieu of filing objections, Plaintiff lodged a second-amended complaint. Doc. No. 17. The deadline for Plaintiff to file his objections has expired, and Plaintiff has not otherwise communicated with the Court.

Although Plaintiff was not granted further leave to amend, the Court has reviewed the lodged second-amended complaint. As in his first-amended complaint, Plaintiff's lodged second-amended complaint asserts a due process claim related to a "confiscation" of his property when he was transferred to a Florida state prison and an access to courts claim under the First Amendment related to a delay in receiving his legal property. The court finds that the amended pleading fails

1 to cure the deficiencies identified by the magistrate judge's findings and recommendations.

2 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this Court has conducted a
3 de novo review of this case. Having carefully reviewed the entire file, including the lodged
4 second-amended complaint, the Court concludes that the findings and recommendations are
5 supported by the record and by proper analysis.

6
7 **ORDER**

8 Accordingly, IT IS HEREBY ORDERED that:

- 9 1. The findings and recommendations (Doc. No. 16) that were issued on November
10 15, 2021, are ADOPTED in full;
11 2. This action is DISMISSED, with prejudice, for failure to state a cognizable claim
12 upon which relief may be granted; and
13 3. The Clerk of the Court is directed to CLOSE this case.

14
15 IT IS SO ORDERED.

16 Dated: January 6, 2022



SENIOR DISTRICT JUDGE